

Town of Wilmington

Planning Board



**SITE PLAN REVIEW
RULES AND REGULATIONS**

Adopted September 19, 1995
By Wilmington Planning Board

Amended
August 1, 2004
November 1, 2016

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Wilmington Planning Board Rules and Regulations for Site Plan Review

Adopted September 19, 1995

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Section 1: General

1.1 Purpose

The Rules and Regulations detail the Site Plan Review process adopted under Article 26 of the 1995 Annual Town Meeting, and provide for waivers of procedural and substantive requirements. The purpose is two-fold: (1) to guide the applicants and their representatives, Town officials and boards involved in the submittal and review of site plans; and, (2) to make the process commensurate with the size, scope and complexity of the project.

1.2 Requirement

Site Plan Review is required for all business and industrial uses, multi-family housing and certain other uses as specified in Table I Principal Use Regulations of the Wilmington Zoning Bylaw. (See attachment "B").

1.3 Change in Use

A change in use shall not mean a change in ownership or replacement of one use by another of the same type and with substantially the same impacts on the surrounding areas and street and subject to the same parking requirements; but shall include any change in use which is different in character, involves substantially higher occupancy or intensity of use, or increases traffic generation and/or parking requirements.

1.4 Submittal of Application

The site plan review application is deemed to be submitted only when all of the required items, complete and with the required number of copies, are delivered to the Planning & Conservation Office, Town Hall, Room 6, 121 Glen Road, Wilmington, MA 01887. See Section 2 *Submittal Requirements*. (*Application in Attachment A*)

1.5 Approval Time Period

If no substantial construction has commenced within two years of a site plan approval, the approval shall lapse and a new application, fees, and public hearing will be required, provided that if there is an appeal to the Board of Appeals and/or to the courts, the two-year period shall run from the date of the final decision on the appeal.

1.6 Definition of Applicant

The applicant is defined as the owner of the property and the business owner, as applicable. The business owner cannot be the sole applicant, unless (s)he is also the owner of the property or has received signed authorization from the property owner to act on his/her behalf.

Section 2: Submittal Requirements

- 2.1 Eighteen (18) copies, including one original, of the application and all supporting documentation are required.
- 2.2 Application signed by the applicant and owner (if different) or their authorized agent.
- 2.3 A written statement detailing the proposed use and existing use if a change is proposed, an evaluation of the proposed use based upon Section 6.4.4 *Site Design Standards* of the Zoning Bylaw, drainage calculations and calculations of the volume of earth to be removed if any. If any zoning variances or site plan waivers are requested, justification for the request should be included.
- 2.4 Locus plan showing the location of the property, roads and important features of adjacent area.
- 2.5 Site plan(s) at 1:40 scale must contain the following:
 - a. Stamp of a registered licensed professional surveyor or civil engineer
 - b. Map and Parcel number
 - c. Deed references
 - d. Names and addresses of the applicant and owner of record
 - e. Location and ownership of abutting property
 - f. Date the plans were first drafted. Any revisions made to any of the sheets first submitted are to be so noted in the revision block
 - g. All lot lines
 - h. Zoning district boundaries, including the Groundwater Protection District and Floodplain
 - i. Wetland boundaries and their associated buffers
 - j. All existing and proposed topography at 2 foot contour intervals
 - k. All existing and proposed buildings and structures, their dimensions and distances from lot lines
 - l. All existing and proposed parking and loading areas, including dimensions of spaces and aisles
 - m. Limits of all paving and all storage areas
 - n. Locations and widths of all streets and driveways within 200 feet of the subject parcel
 - o. Size and location of existing and proposed water mains and their appurtenances, and all existing and proposed hydrants
 - p. All existing and proposed facilities for sewage waste disposal
 - q. Snow storage areas
 - r. Location of any permanent monuments found, set or proposed
 - s. Easements
 - t. Exterior lighting

- u. Signature block for Planning Board signatures must be located on the right side of each page in the same location.
- 2.6 Plan showing planting and landscaping detail.
 - 2.7 Drainage calculations and drainage plan showing all existing and proposed drainage systems and structures in accordance with The Town of Wilmington Stormwater Management Regulations.
 - 2.8 Architectural elevation(s) and floor plan(s) of proposed buildings showing the height and layout of each floor with a tabular summary of the floor area and required parking.
 - 2.9 Details of proposed signage and statement as to whether it conforms to Zoning Bylaw.
 - 2.10 Filing fee – Cash or check payable to the Town of Wilmington in accordance with the fee schedule in effect at the time of the application. (See Section 6)
 - 2.11 Certified list of all abutters within 300 feet of the parcel boundaries certified by the Wilmington Assessor's Office. The applicant must submit one (1) electronic copy of the abutters mailing labels in Avery 5960 format.
 - 2.12 The Planning Board may require additional information such as traffic impact analyses, hazardous waste studies or other supporting documentation that it deems necessary for the purpose of making an informed decision.
 - 2.13 If the applicant desires a waiver of one or more the site plan regulations, a request for such waiver must be submitted in writing with the application. (See Section 4)

Section 3: Procedures

- 3.1 The applicant shall submit a complete application to the Planning & Conservation Department.
- 3.2 The Planning Board or designated agent shall within ten days of receipt of a complete application refer the application to the Engineering Director, Fire and Police Departments, Inspector of Buildings, Water & Sewer Commission, Department of Public Works, Board of Health and the Conservation Commission for their written recommendations and no decision shall be made until such reports are returned or 35 days have elapsed following such referral of such report.
- 3.3 The Planning Director may convene a Community Development Review meeting with representatives of the above-mentioned boards and departments to discuss the proposed project. The applicants and their representatives will be notified and encouraged to attend.
- 3.4 The Town Engineer, Fire and Police Departments, Building Inspector, Board of Water & Sewer Commissioners, Department of Public Works, Board of Health, and the Conservation

Commission shall review the application and submit to the Planning Board or designated agent a report on the site plan with respect to the following matters:

- a. Protection of adjoining premises against detrimental uses by provision for surface water drainage, landscape buffers and area lighting;
- b. Convenience and safety of vehicular and pedestrian movement and the location of driveway openings in relation to traffic or to adjacent streets;
- c. Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises;
- d. Adequacy of the methods of open storage, disposal of refuse and other wastes resulting from the uses permitted on the site;
- e. The adequacy of measures used to ensure the protection of the Town's surface and ground water resources;
- f. Compliance with all requirements of the Zoning Bylaw.

3.5 The Planning Board shall hold a public hearing on any complete site plan review application within 30 days of its submission. Public notice of said hearing shall be given in accordance with the requirements of the Massachusetts General Laws Chapter 40A Section 11.

3.6 Determinations by the Planning Board – In considering a site plan, the Planning Board shall give due consideration to the public hearing comments and the reports of the Engineering Director, Police and Fire Departments, Inspector of Buildings, Board of Water & Sewer Commissioners, Department of Public Works, Board of Health and the Conservation Commission and to the provisions of Subsection 6.5.2.3. (a) through (f) of the Zoning Bylaw and repeated in 3.4 above. The Planning Board shall take action on an application for approval within 66 days of the submittal to the Planning Board.

Final action shall consist of (a) approval of the site plan as submitted; or (b) approval of the site plan subject to conditions, modifications, limitations and safeguards as the Planning Board deems appropriate to ensure compliance with terms of site plan review and the provisions of the Zoning Bylaw including, if required, sufficient security by bond, money deposit or covenant to secure performance in accordance with the site plan; or (c) denial of the application if in the opinion of the Planning Board the site plan and specifications are not adequate to ensure use of the property consistent with all the provisions of the Zoning Bylaw. The decision shall specifically state the reasons for denial.

The Planning Board shall notify in writing the Town Engineer, Police and Fire Departments, Building Inspector, Water & Sewer Commission, Department of Public Works, Board of Health and Conservation Commission of its decision.

Section 4: Site Plan Waiver

The Planning Board may waive strict compliance with its Rules and Regulations, including filing fees, in such cases, where, in the opinion of the Planning Board, strict conformity would pose an unnecessary hardship to the applicant and provided such action is in the public interest and would not be contrary to the intent of the regulations, including but not limited to the following instances:

1. When, in the opinion of the Planning Board, the alteration or reconstruction of the structure does not substantially change the relationship of the structure to the site and to abutting properties and structures, the site plan review process may be waived;
2. When a public hearing is being held by the Board of Appeals for a special permit for the proposed project, the public hearing requirement may be waived, including the filing fee associated with the certified mailing;
3. Design requirements may be waived when the site features do not allow for total compliance.

Section 5: Monitoring

The Town Engineer and/or Director of Planning & Conservation is authorized to conduct site visits, monitor construction work and verify compliance with the site plan and any terms and conditions imposed by the Planning Board at the time of site plan approval as agent of the Planning Board. Specifically, the Town Engineer and/or Director of Planning & Conservation is responsible for review of all non-structures, fences, landscaping, drainage, parking, access/curb cut location, and any other general site requirement. Members and agents of the Planning Board may conduct visual inspections and notify the Town Engineer and/or Director of Planning & Conservation and the applicant of any failure to satisfactorily comply with any requirements and conditions of approval. Failure to comply may result in denial of the Certificate of Occupancy.

Section 6: Filing Fees

Applications for Site Plan Review shall be accompanied by a check payable to the Town of Wilmington based on the most current Planning Board Fee Schedule (Attachment B in this document)

Section 7: Project Review Fees

7.0 PROJECT REVIEW FEES: If, after receiving an application, the Board determines that it requires technical advice unavailable from municipal employees, the Board may employ outside consultants. Whenever possible, the Board shall work cooperatively with the applicant to identify appropriate consultants and to negotiate payment of part or all of consultant fee by the applicant. Alternatively, the Board may, by majority vote, require that the applicant pay a reasonable review fee for the employment of outside consultants chosen by the Board alone.

7.1 A review fee may be imposed only if:

- (i) The work of the consultant consists of review of studies prepared on behalf of the applicant, and not of independent studies on behalf of the Board,
- (ii) The work is in connection with the applicant's specific project, and

(iii) All written results and reports are made part of the record before the Board.

7.2 A review fee may be imposed only after the Board has complied with the Uniform Procurement Act, M.G.L. c. 30B, §§1-19.

7.3 All fees assessed pursuant to this section shall be reasonable in light of:

7.3.1 The complexity of the proposed project as a whole,

7.3.2 The complexity of particular technical issues,

7.3.3 The number of housing units proposed,

7.3.4 The size and character of the site,

7.3.5 The projected construction costs, and

7.3.6 Fees charged by similar consultants in the area.

7.4 As a general rule, the Board will not assess any fee greater than the amount which might be appropriated from Town funds to review a similar town project.

7.5 Any invitation for bids or request for proposals shall indicate that award of the contract is contingent upon payment of a review fee by the applicant. If the applicant fails to pay the review fee within ten days of receiving written notification of selection of a bidder or offeror, the Board may deny the site plan.

7.5.1 The Board will select the consultant after reviewing both the bid or proposal, and any comments received from the applicant, but will not formally award the contract until such review fee has been paid.

7.6 Prior to paying the review fee, the applicant may appeal the selection of the consultant to the Board of Selectmen.

7.6.1 The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications.

7.6.2 The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field.

7.6.3 The required time limits for action upon the application by the Board shall be extended by the duration of the appeal. In the event that the Board of Selectmen makes no decision within one month following the filing of the appeal, the selection made by the Board shall stand.

7.7 **Special Accounts:** Each review fee shall be deposited in a special account established by the town accountant pursuant to M.G.L. c. 44 §53G. This amount may be augmented by the

applicant from time to time, as required by the Board.

7.7.1 Funds from the special account may be expended only for the purposes described in section 7.1 (i-iii) above, and in compliance with the Uniform Procurement Act, M.G.L. c. 30B §§1-19.

7.7.2 Within 30 days of the completion of the project or of such time as the applicant formally withdraws the proposal, the applicant shall receive a final report of funds in the special account and shall be paid any unspent excess in the account, including accrued interest.

7.7.3 The town's accountant shall submit annually a report of the special account to the Board of Selectmen and the Town Manager for their review. This report shall be published in the town's annual report.

Section 8: Plan Endorsement

8.1 Once the Board has issued their decision and the Applicant has drafted final plans reflecting any and all conditions, the Applicant shall submit four (4) full-size (24" x 36") copies of the plan to the Planning & Conservation Department for review. Plans shall be submitted at least two (2) weeks prior to the Planning Board meeting for review for endorsement.

8.2 After endorsement, the Board shall retain one (1) copy of the plans for its records, file one (1) copy with Assessing, file one (1) copy with DPW - Engineering Division and provide one (1) copy to the Applicant. Additionally, an electronic copy of the endorsed final plan shall be submitted to the Planning & Conservation Department in PDF format, either on CD or via email.

Section 9: Bonds

9.1 The Board authorizes the Director of Planning & Conservation to accept performance bonds or cash surety to be posted with the Town to guarantee completion of site improvements in the event weather conditions or other circumstances beyond the Applicant's reasonable control delay the completion of landscaping or similar aesthetic site features shown on the Site Plan.

9.2 The final Certificate of Occupancy shall be only be issued upon the Applicant posting a bond, in a form reasonably acceptable to the Director of Planning & Conservation and the Town Engineer, covering the cost of completion of the unfinished site work.

9.3 The bond shall be held in a special account and shall not be released until the improvements have been completed, inspected and approved in accordance with the approved plan and conditions of the decision and a final As-built plan has been submitted.

Section 10: As-Built Plan Requirements

Prior to the issuance of a Certificate of Occupancy, an "As-Built" plan, which reflects the "as built" conditions, shall be provided for review and approval by the Town. One full-size (24" by 36") As-Built plan, stamped by an engineer or land surveyor, shall be furnished to each the Planning &

Conservation Department and DPW - Engineering Division. Electronic files of plans may be required by the Town Engineer.

Section 11: Appeals

In accordance with Subsection 6.5.5 of the Zoning Bylaw, an Applicant subject to site plan review may appeal any and all conditions of the site plan review to the Board of Appeals consistent with the filing and notification procedures of the Board of Appeals.

ATTACHMENT A

SITE PLAN APPLICATION

OFFICE USE: SPR# _____ - _____

APPLICATION FOR SITE PLAN REVIEW
TOWN OF WILMINGTON, MASSACHUSETTS

The undersigned hereby submits the attached site plan and supporting documents for site plan review under Section 6.5 of the Zoning Bylaw and the Rules and Regulations adopted thereunder.

Applicant: _____

Owner: _____

Address: _____

Address: _____

Telephone: () _____

Telephone: () _____

Business: _____

Project Location (Address): _____

Assessor's Map(s) _____

Parcel(s) _____

Zoning Classification: R-10 []
NB []
CBD []

R-20 []
GB []

R-60 []
GI []

Groundwater Protection District Yes []

No []

Proposed Principal Use:

(3.) _____
(From Table 1, Wilmington Zoning Bylaw)

Brief description of project:

Dimensional Characteristics:
(From Table 2, Wilmington Zoning Bylaw)

	Required	Existing	Proposed
Min. Lot Area, sq. ft.			
Min. Lot Frontage, ft.			
Min. Lot Width, ft.			
Min. Front Yard, ft.			
Min Side & Rear Yard, ft			
Min. Open Space, %			
Max. Bldg. Cover, %			
Bldg. Area, sq. ft.			
Max. Height, ft.			
Max. Height, stories			

PARKING COMPUTATIONS (Sec. 6.4.1.1):

Schedule of Uses	Criteria	Unit of Measure	Spaces Required	Number Provided
a. Dwelling	2/unit			
b. Hotel, Motel or Lodging House	1.25/bedroom CBD 1.5 units			
c. Education	1/staff position 1/5 auditorium cap 1/student (anticipated)			
d. Hospital & Nursing Home	1 bed			
e. Retail & Service Business	1/250 s.f. gross floor area CBD 1/400			
f. Business & Professional Office	1/300 s.f. gross CBD 1/500			
g. Industrial Use	1/800 s.f. gross floor area			
h. Permanent Storage Facility	1/1000 s.f. gross			
i. Restaurant, Place of Worship or other place of Assembly	1/3 seats or 36" of counter			
j. Auto Service Station	3/service bay 1/employee max. shift			
TOTAL				

Also see 6.4.1.2 Shared Parking for mixed use sites.

SUMMARY OF VEHICLE STALLS:

Standard	_____
Small Car	_____
Handicapped	_____
TOTAL	_____

LANDSCAPING WITHIN PARKING AREA:

Parking Area	_____ square feet
Landscaped	_____ square feet
	_____ %

LOADING AREA REQUIRED Yes [☐] No [☐]

I (we) understand that the submittal of this application authorizes members and agents of the Planning Board to conduct site visits and monitor site construction work.

Signature of applicant: _____

Signature of owner: _____

Signature of Engineer/
Land Surveyor: _____

(Typed/Printed)

Address: _____

Telephone: _____

Date received by the Planning & Conservation Department:

ATTACHMENT B

PLANNING BOARD FEE SCHEDULE

Wilmington Planning Board
Application Fee Schedule
Effective August 1, 2004
Revised October 10, 2017

SUBDIVISION & ROADWAY PLANS	
Form A (Approval Not Required)	\$250 for the first new lot or lot line change plus \$50 for each additional lot
Preliminary Subdivision	\$500 plus \$50 per lot
Amendment	\$100 plus \$50 per lot
Definitive Subdivision	\$500 plus \$250 per lot with Preliminary Plan or CSD Special Permit \$1,000 plus \$250 per lot without Preliminary Plan
Amendment	\$200 plus \$100 per lot
81G Roadway Improvement	\$500 per lot
SITE PLAN REVIEW	
Site Plan Review (Commercial space in mixed-use development is subject to Site Plan Review fee)	<div> <div>0 –9,999 sf</div> <div>\$500</div> </div> <div> <div>10,000 sf – 74,999 sf</div> <div>\$1,000</div> </div> <div> <div>75,000 sf – 99,999 sf</div> <div>\$1,500</div> </div> <div> <div>100,000+ sf</div> <div>\$2,000</div> </div> <p>Any application that does not come under the above schedule and is determined to require site plan review, such as parking lots, use changes, etc. shall pay a fee of \$500.</p>
Wireless Facility	\$1,000
Site Plan Waiver	\$200
SPECIAL PERMITS	
Multifamily Housing or Over 55 Residential Development	<div> <div>2 - 25 units</div> <div>\$1,000</div> </div> <div> <div>26 - 50 units</div> <div>\$1,500</div> </div> <div> <div>51 - 100 units</div> <div>\$2,000</div> </div> <div> <div>100+ units</div> <div>\$2,500</div> </div>
Conservation Subdivision Design (CSD)	\$500 plus \$50 per lot
Planned Residential Development (PRD)	\$500 plus \$50 per lot (Rezoning Proposal) \$500 plus \$250 per lot (Special Permit)
Nonconforming Lots (Chapter 139)	\$500
Signs	\$200
Relief from Parking Regulations	\$200
Registered Marijuana Dispensaries	\$200
Pet Care Facilities	\$200